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IN THE MATTER OF
DISCIPLINARY PROCEEDINGS AGAINST
RODRIGO R. ITABLE, M.D.,

Respondent

ORDER REINSTATING LICENSE

On September 25, 1996, the Medical Examining Board issued its Final Decision and Order in the above-captioned matter. By the terms of the board's order, respondent's license was limited in part to require that within nine months of the Order, Dr. Itable take and achieve a score of 75 on the Special Purpose Examination of the Federation of State Medical Boards. The Order specifies that Dr. Itable not be permitted to take the examination more than twice without board permission, and that the license would be suspended if Dr. Itable failed to achieve a score of 75 in two attempts.

Dr. Itable attempted the SPEX examination on December 31, 1996, and again on June 2, 1997, but failed to achieve a score of 75 in either attempt. Accordingly, he was notified on June 12, 1997, that his license was suspended immediately.

By letter dated June 16, 1997, Dr. Itable petitioned the board to permit him to appear in support of his request that he be permitted to sit for SPEX a third time. He appeared on June 25, 1995, and modified his request to either permit him to practice with a limited license or to enter and complete a remedial education program fashioned by the University of Wisconsin Continuing Medical Education Program. The board instead granted the original request and, by Order dated July 7, 1997, reinstated the license for 90 days and granted permission to take SPEX for the third time.

By notice dated October 24, 1997, the board was notified by the Federation of State Medical Boards that Dr. Itable sat for SPEX on October 15, 1997, and again failed to pass the examination. The board considered the matter at its meeting of November 20, 1997, and ordered the license be suspended until Dr. Itable achieves a passing score on the SPEX.

By letter dated November 28, 1997, Dr. Itable requested that the department consider an accommodation in the examination process in any future attempts by him to pass the examination. The board considered the matter on December 18, 1997, and denied the request by its Order dated December 22, 1997. The basis for the denial was that the policy of the Wisconsin department of Regulation & Licensing and the Medical Examining Board in relation to examination accommodations is that an individual must suffer from a medical or physical disability in order to be granted an accommodation for the examination. English as a second language is not considered a disability according to this standard.

By letter dated January 23, 1998, Thomas P. Ehr, attorney for Dr. Itable, requested on Dr. Itable's behalf that the board stay the suspension of Dr. Itable's license until he is able to successfully complete the SPEX examination. The board considered the request at its meeting of February 25, 1998, and denied the request by its Order dated March 12, 1998.

Dr. Itable appeared before the board on June 24, 1998, to request the board to accept the score of 74 which he achieved on the SPEX examination which he sat for on May 6, 1998. The board denied the request by its Order dated July 9, 1998.

On March 25, 1999, the board considered documentation that Dr. Itable again sat for SPEX on February 17, 1999, and had passed the examination. Accordingly, the board orders as follows:

ORDER

NOW, THEREFORE, IT IS ORDERED that the limited license of Rodrigo R. Itable, M.D., to practice medicine and surgery in Wisconsin be hereby reinstated. Dr. Itable is reminded that he still must complete the educational program established through the U.W. Continuing Medical Education Program in recordkeeping, as set forth in the board's Final Decision and Order in this matter dated September 25, 1996.

Dated this 1st day of April, 1999.

STATE OF WISCONSIN

MEDICAL EXAMINING BOARD

by _____

Ronald Grossman, M.D.

Secretary

